

## **REMARKS**

Claim 13 is rejected under 35 USC 102(b) as being clearly anticipated by Wilhelmi (4,986,650).

Wilhelmi discloses sunglasses comprises solid frames 12 having a pair of lenses; said frames 12 consisting of a one piece solid molded frame; said frames 12 having a nose bridge 14 which fits on top of a user's nose; said frames 12 secured around a user's head by a single band 16; said band 16 secured to said frames by two securing pieces (see at least figures 1, 3, column 3, lines 45-65 and the related disclosure.)

Wilhelmi relates to sunglasses, which comprise a mainframe member, which support the glass members therein, and a unitary headband of semi-hard material that is formed having a pair of side temple members and an angularly disposed body section. The temple members are supported over ones ears.

Claim 13 states that the sunglasses consist of solid frames having lenses, the frames consisting of a one-piece solid molded frame. The frames have a nose bridge and are secured around a users head by a single band. The band is secured to the frames by two securing pieces; each of which or both securing pieces can be removed from the frame. Since Wilhemni requires temple members, which are attached to the frames and then attached to the headband, they provide elements which are not in the claims and therefore Wilhelmi cannot anticipate or make obvious claim 13.

Claim 13 is rejected under 35 USC 102(b) as being clearly anticipated by Beames (D 466,543).

Beames discloses sunglasses comprises solid frames having a pair of lenses; said frames consisting of a one piece solid molded frame; said frames having a nose bridge which fits on top of a user's nose; said frames secured around a user's head by a single band; said band secured to said frames by two securing pieces (see at least figures 1, 2, 4 and 5).

Amended claim 13 requires that the band is removed from the frames by either or both securing pieces. Beames specifically shows in the figures that possibly only one securing piece can be opened and or removed from the frames, therefore claim 13 is not anticipated or obvious over Beames.

Claims 14 and 15 are rejected under 35 USC 103(a) as being unpatentable over Beames (D 466,543) in view of Hoff (5,406,340). Beames discloses sunglasses comprises solid frames having a pair of lenses; said frames consisting of a one piece solid molded frame; said frames having a nose bridge which fits on top of a user's nose; said frames secured around a user's head by a single band; said band secured to said frames by two securing pieces (see at least Figures 1, 2, 4 and 5).

Beames does not explicitly state that the Velcro is used for both securing pieces; and wherein said band can be totally removed from said frames and replaced with other similar bands.

Hoff, however, discloses the Velcro is used for both securing pieces; and wherein said band can be totally removed from said frames and replaced with other similar bands.

Because Beames and Hoff are both from the same field of endeavor, the purpose of using the Velcro for securing the bands to the frame so that the bands can be adjusted and/or replaced with other similar bands as disclosed by Hoff would have been recognized as an art pertinent art of Beames.

It would have been obvious, therefore, at the time the invention was made to a person having skill in the art to construct the eyeglasses frame, such as the one disclosed by Beames, with the Velcro is used for both securing pieces; and wherein said band can be totally removed from said frames and replaced with other similar bands, such as disclosed by Hoff for the purpose of using the Velcro for securing the bands to the frame so that the bands can be adjusted and/or replaced with other similar bands.

Claims 14 and 15 require that a single band be secured directly to the frame by two securing pieces. Hoff shows two bands, which are secured to the frame, and these bands are then secured to further bands, which are then placed around a users head. Beames shows a single band, which is not totally removable from the frames. There is no reason or teaching to combine Hoff with Beames. Further as stated previously, since the amended claims require that either or both securing pieces are removed from the frame, the combination of Beames and Hoff does not teach this. With regards to claim 15, since Beames

specifically illustrates that the band can not be completely removed from the frame there is no teaching in the prior art which include the elements of claim 13 and the further elements that the band can be totally removed from the frame and replaced with other similar bands.

Applicant believes the application is in condition for allowance.

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Respectfully submitted,



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